

REMARKS

Upon entry of the foregoing amendments claims 28, 43-56 are pending. Claims 24, 27, 38, 39, and 42 have been cancelled without prejudice. Claim 43 has been amended. Claims 47-56 are new claims. Support for the amendments to claims 43 may be found in claims 1-28 as originally filed. Support for new claims 47-56 may be found throughout the Specification and in claims 1-28 as originally filed. No new matter has been added.

The Applicants reserve the rights to file continuation or divisional applications directed to the subject matter for all withdrawn/canceled claims. Consideration and allowance of the pending claims is hereby requested in view of the above amendments and the following remarks.

Allowed Claims

The Applicants thank the Examiner for allowing claim 28 and 44-46.

Election/Restriction

The Applicant's thank the Examiner for the telephonic interview on December 12, 2008 to discuss rejoinder of species related to SEQ ID NO: 9 (non-histidine tagged human arginase I) upon finding that SEQ ID NO: 9 (non-histidine tagged human arginase I) was allowable. The Applicants note allowance of claim 45 drawn to a method of treatment of select malignancies, comprising administering to a subject a modified, full-length recombinant human arginase I polypeptide comprising the amino acid sequence of SEQ ID NO: 9. As such, the Applicants respectfully request rejoinder of protein of SEQ ID NO: 3 or a nucleic acid encoding SEQ ID NO: 3 (histidine tagged human arginase I). Accordingly, the Applicants present claims for the Examiners consideration which are drawn to the "allowable" subject matter related to SEQ ID NO: 9 as well as new claims drawn to polypeptide and nucleic acids related to a polypeptide of SEQ ID NO: 3.

Claim Objections

The Examiner objected to claim 24 for reciting "80-100% purity". Applicants submit that cancellation of claim 24 moots this objection. The Applicants respectfully request reconsideration and withdrawal of this rejection.

The Examiner objected to claim 43 as being dependent upon a rejected base claim 24. In accordance with the Examiner's helpful suggestion, the Applicants have rewritten claim 43 in independent form including all limitations of the base claim and intervening claims. Moreover, the Applicants have incorporated the Examiner's helpful suggestion regarding recitation of a polypeptide of "80-100% purity as determined by gel chromatography and densitometry" into amended claim 43. (See Office Action at page 2, ¶ 7.)

Claim Rejections

Withdrawn-Rejections- 35 USC §§ 112; 102; 103(a)

The Applicants thank the Examiner for withdrawal of prior rejections of claims noted in the Office Action at page 3.

New-Claim Rejection- 35 USC § 103(a) Obviousness: Vockley *et al.* in view of Mehar *et al.*

The Examiner has rejected claims 24, 27, 38-39 and 42 under 35 USC § 103(a) as allegedly obvious over Vockley *et al.* (Arginase II, US 6,316,199, issue date 11/13/2001) in view of Mehar *et al.* (J. Pharm. Pharmaceut. Sci., 3(1): 125-136, 2000). The Applicants submit that cancellation of claims 24, 27, 38-39 and 42 by present amendment moots this rejection. The Applicants respectfully request reconsideration and withdrawal of the rejection of the above-referenced claims pursuant 35 USC § 103(a).

CONCLUSION

The Applicants present claims for the Examiners consideration which are drawn to the "allowable" subject matter related to SEQ ID NO: 9 as well as new claims drawn to polypeptide and nucleic acids related to a polypeptide of SEQ ID NO: 3. In view of the above amendments and remarks this application is believed to be in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Appln. No. B001.001.NPRUS
Amdt. Dated December 18, 2008
Reply to Office action of September 18, 2008

Respectfully submitted,

Dated: December 18, 2008

A handwritten signature in dark ink, appearing to read "James F. Ewing", is written over a horizontal line.

James F. Ewing, Reg. No. 52,875

Attorney for Applicants

Foley & Lardner LLP.

111 Huntington Avenue, 26th Fl.

Boston, MA 02199

Tel. 617-342-4000

Fax. 617-342-4001